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Attorneys for Defendant
DONALD FREDERICK MARUTZ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD FREDERICK MARUTZ,

Defendant.

No. Cr. S 2:93-cr-16 MCE

**STIPULATED MOTION AND ORDER TO
REDUCE SENTENCE PURSUANT TO 18
U.S.C. § 3582(c)(2)**

RETROACTIVE DRUGS-MINUS-TWO
REDUCTION CASE

Judge: Honorable MORRISON C. ENGLAND, JR.

Defendant, DONALD FREDERICK MARUTZ, by and through his attorney, Assistant Federal Defender Hannah R. Labaree, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Jason Hitt, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. On April 4, 1996, this Court sentenced Mr. Marutz to a term of 300 months on each of Counts One and Two (violations of 21 U.S.C. §§ 846 and 841(a)(1)), 120 months on Count three (violation of 21 U.S.C. 841(d)(2)) all to be served concurrently, and a term of 60 months on Count Four (violation of 18 U.S.C. § 3146) to be served consecutively, for a total term of 360 months imprisonment;

1 3. His total offense level was 42, his criminal history category was I, and the
2 resulting guideline range was 360 months to life;

3 4. The sentencing range applicable to Mr. Marutz was subsequently lowered by the
4 United States Sentencing Commission in Amendment 782, made retroactive on July 18, 2014,
5 see 79 Fed. Reg. 44,973;

6 5. Mr. Marutz's total offense level has been reduced from 42 to 40, and his amended
7 guideline range is 292 to 365 months;

8 6. Accordingly, the parties request the Court enter the order lodged herewith
9 reducing Mr. Marutz's term of imprisonment to 292 months on each of Counts One and Two,
10 120 months on Count three, all to be served concurrently, and a term of 60 months on Count
11 Four, to be served consecutively, for a total term of 352 months imprisonment.

12 Respectfully submitted,

13
14 Dated: October 28, 2015

15 BENJAMIN B. WAGNER
16 United States Attorney

17 /s/ Jason Hitt
18 JASON HITT
Assistant U.S. Attorney

19 Attorney for Plaintiff
20 UNITED STATES OF AMERICA

Dated: October 28, 2015

HEATHER E. WILLIAMS
Federal Defender

21 /s/ Hannah R. Labaree
22 HANNAH R. LABAREE
Assistant Federal Defender

23 Attorney for Defendant
24 DONALD FREDERICK MARUTZ
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ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Mr. Marutz is entitled to the benefit Amendment 782, which reduces the total offense level from 42 to 40, resulting in an amended guideline range of 292 to 365 months.


IT IS HEREBY ORDERED that the term of imprisonment imposed in April 1996 is reduced to 292 months on each of Counts One and Two, 120 months on Count three, all to be served concurrently, and a term of 60 months on Count Four, to be served consecutively, for a total term of 352 months imprisonment.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence, and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Mr. Marutz shall report to the United States Probation Office within seventy-two hours after his release.

IT IS SO ORDERED.

DATED: November 09, 2015


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT